

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

IN RE: DERON LITTLE

#16-31247 SHB
Chapter 13
Filed 4/21/2016

NOTICE

Notice is hereby given that a hearing on the Trustee's Motion to Dismiss will be held on November 15th, 2017 at 11:00 a.m. at the United States Bankruptcy Court, Courtroom 1C, Howard H. Baker, Jr. Courthouse, 800 Market Street, Knoxville, TN. 37902. If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

TRUSTEE'S MOTION TO DISMISS

The Chapter 13 Trustee moves to dismiss this case under 11 U.S.C. §1307 for the following reasons:

Mr. Little's plan was confirmed on 2-17-2017. Mr. Little's income is derived from multiple business ventures and is subject to self-employment tax; therefore, his confirmed plan contains income monitoring provisions. Mr. Little is delinquent in plan payments and various income/business monitoring documentation has not been provided to the Trustee, as outlined below:

1. The confirmed plan provides for payments of \$3,200 semi-monthly. The debtor's plan payments are delinquent \$12,800.00. No payments have been made to the Trustee since 9/13/17.
2. The confirmed plan provides for the debtor to supply copies of all Gettysvieve paystubs to the Trustee. March 2017 – September 2017 paystubs are due to the Trustee.
3. The confirmed plan provides for monthly operating reports to be provided to the Trustee. The Trustee has not received the July 2017 report.
4. The confirmed plan requires the debtor to supply (as an addendum to the monthly reports) an itemized list of draws from Season's restaurant for himself and his spouse. No draw itemization has been supplied for March 2017 through September 2017.
5. The confirmed plan requires the debtor to provide evidence of all estimated tax payments to the IRS. The Trustee has not received evidence of the 2nd or 3rd quarter 1040-ES payments, which were due to the Trustee June 30th and September 30th, respectively.

SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Motion to Dismiss and Notice of Hearing and hereby certifies that a true and exact copy of the same has been serviced by electronic mail and/or by first class United States mail postage prepaid on the following individuals as addressed below this 12th, day of October, 2017.

/s/ Gwendolyn M. Kerney (by en w/perm)
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